



## **PLANNING COMMISSION AGENDA**

**Wednesday, February 23, 2005**

6:00 p.m. Regular Meeting  
Council Chambers, Room 205, City Hall

801 North First Street  
San Jose, California

**Bob Levy, Chair**  
**Bob Dhillon, Vice-Chair**

**Xavier Campos      Jay James**  
**Dang T. Pham**  
**Christopher Platten      James Zito**

**Stephen M. Haase, Director**  
**Planning, Building and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **February 23, 2005**. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

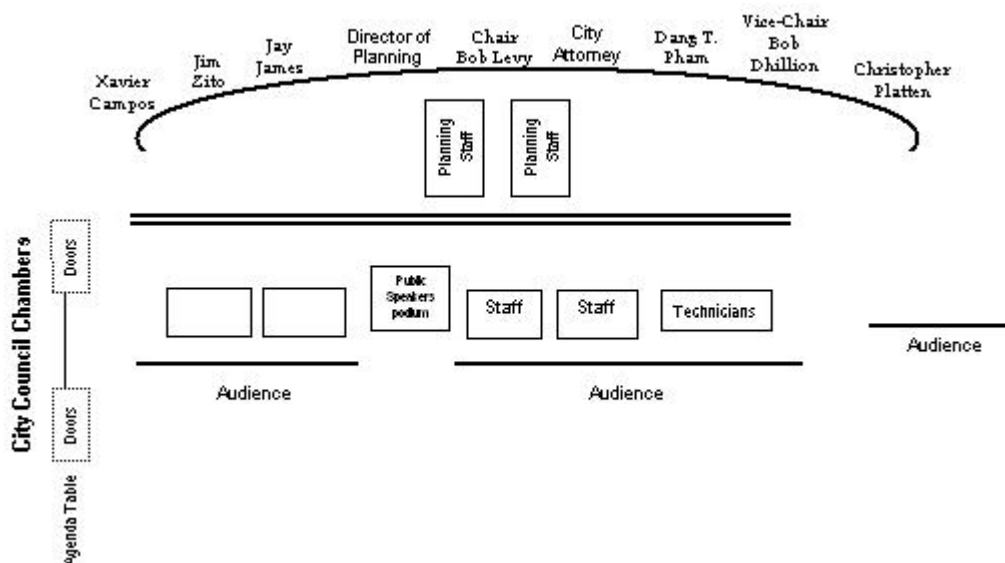
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda questions, please contact Olga Guzman at [olga.guzman@sanjoseca.gov](mailto:olga.guzman@sanjoseca.gov)

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm>. Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

**2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. An Ordinance of the City Of San José amending Chapter 20.100 of Title 20 of the San Jose Municipal Code to 1) To provide for a Single Family House permit exception for City Landmark and Historic district houses that require Historic Preservation permits, and 2) To provide for a reduced fee for category 1 Single Family House permits for Historic Resources with a floor area ratio equal to or less than forty-five hundredths (.45). CEQA: Exempt, PP05-002.

**Staff Recommendation:**  
**DEFER TO 3/9/05**

- b. **CP04-110**. Conditional Use Permit to allow continued operation of an existing billiard hall with a total of 9 tables for which the prior Conditional Use Permit has expired on a 0.44 gross acre site located in the CG General Commercial Zoning District, on the north side of Alum Rock Avenue approximately 380 feet westerly of Jackson Avenue (2245 ALUM ROCK AV) (Dalton Bill L And Shirley A Trustee & Et Al, Owner). Council District 5. SNI: None. CEQA: Exempt.

**Staff Recommendation:**  
**DROP**

**3. CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.**

- a. [CP05-001 & V05-001](#). Wireless Conditional Use Permit to reinstate an expired Conditional Use Permit (CP01-081) for 12 building-mounted wireless communications antennas within a new 272-square-foot bell tower atop an existing church, and installation of an associated equipment shelter; and Development Exception to allow a height increase above the maximum 35 foot limit to approximately 49 feet high to accommodate the proposed antennas on a 1.33 gross acre site in the CN Neighborhood Commercial and R-2 Two-Family Residence Zoning Districts, located at the northwest corner of Locust and Willow Streets (325 WILLOW ST) (Roman Catholic Welfare Corp Of San Jose, Owner). Council District 3. SNI: Washington. CEQA: Exempt.

**Staff Recommendation:**

Approve a wireless Conditional Use Permit to reinstate an expired Conditional Use Permit (CP01-081) for 12 building-mounted wireless communications antennas within a new 272-square-foot bell tower atop an existing church, and installation of an associated equipment shelter; and Development Exception to allow a height increase for the bell tower above the maximum 35 foot limit to approximately 49 feet high as recommended by Staff.

- b. [CP04-038](#). Conditional Use Permit request to allow the conversion of a 1,593 square foot former gas station for limited auto repair uses (tires, batteries, lube, oil change, smog check station, air conditioning servicing) on a 0.36 gross acre site in the CN Neighborhood Commercial Zoning District, located on the southwest corner of McKee Road and Vista Avenue (3490 MCKEE RD) (Ho Henry And Be Thi, Owner). Council District 5. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow the conversion of a 1,593 square foot former gas station for limited auto repair uses (tires, batteries, lube, oil change, smog check station, air conditioning servicing) on a 0.36 gross acre site as recommended by Staff.

- c. [PDC04-057](#). Planned Development Rezoning from A Agricultural Zoning District to A(PD) Planned Development Zoning District to allow 2 single-family detached residences on a 89.3 gross acre site, located on the west side of McKean Road, approximately 4,000 feet northerly of Uvas Road (23735 McKean Road) (Young Patrick Trustee & Et Al, Owner). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 1-26-05.

**Staff Recommendation:**

Recommend to the City Council approval of a proposed Planned Development Rezoning from A Agricultural Zoning District to A(PD) Planned Development Zoning District to allow 2 single-family detached residences on a 89.3 gross acre site as recommended by Staff.

- d. [CP04-106](#). Conditional Use Permit to allow wireless communications antennas on the rooftop of an existing school building on a 100.79 gross acre site in the R-1-5 Single-Family Residence Zoning District, located on northeast corner of San Felipe Road and Yerba Buena Road (2750 SAN FELIPE RD) (Evergreen Community College, Owner). Council District 8. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow wireless communications antennas on the rooftop of an existing school building on a 100.79 gross acre site as recommended by Staff.

- e. [PDC04-011](#). Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to 10 single-family attached residences on a 0.4 gross acre site, located at the southeast corner of South 2<sup>nd</sup> Street and East Virginia Street (822 South 2<sup>nd</sup> Street) (Virginia Street Investors, Owner). Council District 3. SNI: Spartan/Keyes. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Recommend to the City Council approval of a proposed Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to 10 single-family attached residences on a 0.4 gross acre site as recommended by Staff.

- f. [PDC04-105](#). Planned Development Rezoning from R-1-8 District to R-1-8 District to allow one existing and one new single-family attached residence on a 0.46 gross acre site, located at/on the southwest corner of Pine Avenue and Cottle Avenue (1260 PINE AV) (Fred and Cathleen Fortune, Owner). Council District 6. SNI: None. CEQA: Exempt. Deferred from 1-26-05.

**Staff Recommendation:**

Recommend to the City Council approval of a proposed Planned Development Rezoning from R-1-8 District to R-1-8 District to allow one existing and one new single-family attached residence on a 0.46 gross acre site as recommended by Staff.

**The following items are considered individually.**

#### 4. PUBLIC HEARINGS

- a. [H04-017](#). APPEAL of the Planning Director's decision to approve a Site Development Permit to allow an 80 square foot addition, exterior building and site improvements (including a parking lot expansion previously constructed without benefit of permits) for an existing office building on a 1.14 gross acre site, in the CP Commercial Pedestrian Zoning District, located on the south side of The Alameda approximately 90 feet westerly of Newhall Street (2115 THE ALAMEDA). (Care Access Silicon Valley, Owner). Council District 6. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Uphold the Planning Director's decision and approve a Site Development Permit to allow an 80 square foot addition, exterior building and site improvements (including a parking lot expansion previously constructed without benefit of permits) for an existing office building on a 1.14 gross acre site as recommended by Staff.

- b. [PDC04-028](#). Planned Development Rezoning from R-1-8 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 9 single-family detached residences on a 1.17 gross acre site, located at/on the south side of Malone Road approximately 240 feet northeasterly of Johnston Avenue (800 MALONE RD) (Carol D. Letcher, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 2-7-05.

**Staff Recommendation:**

Recommend to the City Council approval of a proposed Planned Development Rezoning from R-1-8 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 9 single-family detached residences on a 1.17 gross acre site as recommended by Staff.

- c. [PDC04-045](#). Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 300,000 square feet of retail commercial uses on a 19.59 gross acre site, located at/on the north side of Story Road approximately 720 feet southwesterly of McLaughlin Avenue (915 STORY RD) (915 Story Road Investors LLC, Owner). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Recommend to the City Council approval of a proposed Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 300,000 square feet of retail commercial uses on a 19.59 gross acre site as recommended by Staff.

## **5. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
  1. Responding to statements made or questions posed by members of the public; or
  2. Requesting staff to report back on a matter at a subsequent meeting; or
  3. Directing staff to place the item on a future agenda.

## **6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

## **7. GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' reports from Committees:
  - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Dhillon and James).
  - Coyote Valley Specific Plan (Platten)
- c. [Review of synopsis](#)

## **8. ADJOURNMENT**

## 2005 PLANNING COMMISSION MEETING SCHEDULE

January 12	5:00 p.m. - 6:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Meeting Logistics</i>	
January 12	6:00 p.m.	Regular Meeting	Council Chambers
January 26	6:00 p.m.	Regular Meeting	Council Chambers
Monday, February 7	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Jobs/Housing Imbalance</i>	
Monday, February 7	6:00 p.m.	Regular Meeting	Council Chambers
February 23	6:00 p.m.	Regular Meeting	Council Chambers
March 9	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of General Plan Amendments/development projects</i>	
March 9	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
March 23	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
April 13	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Alcohol sales</i>	
April 13	6:00 p.m.	Regular Meeting	Council Chambers
April 27	6:00 p.m.	Regular Meeting	Council Chambers
May 11	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Parks planning strategy (Joint session with Parks Commission)</i>	
May 11	6:00 p.m.	Regular Meeting	To be determined
May 25	6:00 p.m.	Regular Meeting	Council Chambers
June 8	6:00 p.m.	Regular Meeting	Council Chambers
June 22	6:00 p.m.	Regular Meeting	Council Chambers
July 13	6:00 p.m.	Regular Meeting	Council Chambers
July 27	6:00 p.m.	Regular Meeting	Council Chambers
August 10	6:00 p.m.	Regular Meeting	Council Chambers
August 24	6:00 p.m.	Regular Meeting	Council Chambers
September 14	6:00 p.m.	Regular Meeting	Council Chambers
September 28	6:00 p.m.	Regular Meeting	Council Chambers
October 12	6:00 p.m.	Regular Meeting	Council Chambers
October 26	6:00 p.m.	Regular Meeting	Council Chambers
November 9	6:00 p.m.	Regular Meeting	Council Chambers
November 16	6:00 p.m.	Regular Meeting	Council Chambers
December 7	6:00 p.m.	Regular Meeting	Council Chambers